

# ANIMAL CRUELTY IN THE USA

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## INTRODUCTION

The violation of the general rules on the keeping of animals does not necessarily involve torturing so that it could be regarded as a less significant infringement of the law. In US legal writing the distinction between “neglect” and “cruelty” makes the difference clear. There are forms of animal torturing not directly connected to the violation of the regulations of keeping the animals, since it does not intentionally cause pains to animals. By ‘animal torturing’ is meant every human activity causing intentionally pain to animals, such as experimentation with animals, animal fights, hoarding, abandonment of animals, cruelty to animals in pet trading or in playing houses, or the killing of animals as part of religious practice.

## GENERAL QUESTIONS

Cruelty to animals is against the law everywhere in the United States. Anti-cruelty laws usually punish several different kinds of conduct, ranging from abandoning a dog to neglecting it to intentionally harming it. Some states have only one or two broadly worded statutes that simply prohibit any kind of "inhumane" or "needlessly cruel" treatment.<sup>1</sup> Malicious cruelty is punished more severely than other cruelty to animals. California law, for example, punishes malicious cruelty to an animal with a state prison sentence, a fine up to \$ 20.000, or both.<sup>2</sup>

State laws penalize two types of actions under their anti-cruelty provision: (1) intentional acts and (2) the failure to act. Intentional acts are those acts of cruelty where the actor knowingly tries to hurt an animal by repeatedly striking an animal, burning an animal, or committing some other heinous act. These acts will often be classified as most severe under the applicable criminal law. The failure to provide food, water, necessary shelter, or in some states, reasonable veterinary care may be considered animal neglect. Most of the state anti-cruelty laws function as misdemeanour offenses (generally those lesser offenses in the criminal justice system than carry penalties of a fine or jail time for less than one year). Most states have felony provisions for aggravated act of cruelty, where the offender commits heinous acts such as mutilation and intentional infliction of pain or death.<sup>3</sup>

## DOG FIGHTING

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<sup>1</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 296.

<sup>2</sup> California Penal Code § 597

<sup>3</sup> WISCH, Rebecca F.: Overview of State Cruelty Laws, 2010, Available at: <http://www.animallaw.info/topics/tabbed%20topic%20page/spuscruelty.htm> (14 January 2014)

The most obvious and widespread kind of malicious cruelty is the organized dog fighting; someone responsible for putting two animals in a ring and having them tear at each other is certainly someone who "maliciously and intentionally maims, mutilates, tortures, or wound a living animal," in the words of the California law. Dog fighting, however, is typically prosecuted under separate, specific state and federal statutes, not general anti-cruelty laws.<sup>4</sup>

Organized dog fighting is now a felony in almost all states. Federal law also punishes dog fighting, if the dog moved across state lines to fight, with a year in prison and fines up to \$ 5000. Despite the stiffening of these laws, there is a dogfighting "on any weekend in any of the 50 States according to Eric Sakach of the Humane Society of the United States."<sup>5</sup> And it's not just amateurs enjoying an ancient "sport," as shown by the well-publicized case of Atlanta Falcons star quarterback Michael Vick. Vick pleaded guilty to felony charges stemming from a well-financed, large dogfighting operation run from property he owned.

Putting a dog in the ring to fight is not the only conduct these laws punish. Most dog-fighting laws make it illegal to watch, bet on, or train dogs for dog-fights. New York's statute is typical. It makes it felony, punishable by up to four years in prison, a fine of up to \$ 25,000, or both, to:

- cause an animal to fight
- train an animal under circumstances showing an intent to have the dog-fight
- let an animal fight, or be trained to fight, on premises under one's control, or
- own or keep an animal trained to fight on premises used for fighting.

It's a misdemeanour, punishable by a year's imprisonment, and stiff fine, to own or keep a dog under circumstances showing an intent to have the dog-fight. Paying an admission fee or making a bet at a dog-fight is another misdemeanour.<sup>6</sup>

Law enforcement officials depend on citizens to help them find and break up illicit dog-fights. Veterinarians are also being pressed into service. Law Arizona and California, for example, require vets to tell local law enforcement about any injuries or deaths they think were inflicted in a dog fight.<sup>7</sup>

## HOARDING

Animal hoarding is a form of animal abuse affecting thousands of animals each year in the United States. Horded animals are kept in horrid conditions: deprived of socialization, denied proper care and nutrition, often living covered in their own waste and suffering from disease. Each case of hoarding is unique, involving different species of animals, different conditions, and different hoarders.<sup>8</sup> Nonetheless, the Hoarding of Animal Research Consortium (HARC) identifies the following characteristics as common to all hoarders:

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<sup>4</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 299.

<sup>5</sup> The Pit Bull: Friend and Killer, by E. M. Swift, Sport Illustrated, July 27, 1987,

<sup>6</sup> New York Agricultural and Markets Law § 351 Randolph, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 305.

<sup>7</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 305.

<sup>8</sup> HAYES, Victoria: Animal Hoarding, 2009, Available at:

<http://www.animalaw.info/topics/tabbed%20topic%20page/spushoarding.htm> (14 January 2014)

- Accumulation of a large number of animals, which has overwhelmed that person's ability to provide even minimal standards of nutrition, sanitation, and veterinary care;
- Failure to acknowledge the deteriorating condition of the animals (including disease, starvation, and even death) and the household environment; and
- Failure to recognize the negative effect of the collection his or her own health and well-being, and on that of other household members.<sup>9</sup>

Hoarding is generally prosecuted under state animal cruelty laws. In most states it is a misdemeanour offense, but in some state it may be a felony offense. Penalties for the offense can include fines, animal forfeiture, and jail time.

Hoarders are commonly charged with violating animal cruelty laws, and may spend time in jail.<sup>10</sup> Because of a high-rate of recidivism among hoarders, courts may also ban convicted hoarders from owning animals in the future or place a limit on the number of animals they may have. These orders are only effective when they are properly monitored. In 2008, Hawaii became the first state with a specific law against animal hoarding. Legislators in some other states, such as Montana and New Mexico, have unsuccessfully attempted to pass specific laws against hoarding. Some people believe that specific anti-hoarding laws are unnecessary because hoarding can be prosecuted under animal cruelty laws. Proponents of animal hoarding laws argue that the laws are necessary in order to distinguish hoarding from other types of animal cruelty. They believe that hoarding should be distinguished in order to increase awareness and understanding of the offense that causes serious harm to multiple animals.<sup>11</sup>

## ABANDONMENT

Anyone who lives in the country, or even on the edge of town, knows that dog owners who have tired of their pets sometimes dump the unfortunate animals on desert roads. In most places, that's illegal. New York law makes it a misdemeanour, with a penalty of up to one year's imprisonment, \$1000 fine, or both.<sup>12</sup> In Colorado, intentionally abandoning a dog is punished as cruelty to animals. Enforcing these laws, however, is extremely difficult. Just above all witnesses can do is report licence plate numbers to police and try to get them to follow up.<sup>13</sup>

## INHUMANE CONDITIONS IN PET SHOPS AND PUPPY MILLS

Over half of all households in America have at least one pet. The most common types of animals kept as pets are birds, cats, dogs, fish, reptiles, and small animals, such as hamsters and guinea pig. While some of these animals are available for adoption at local human societies, most people buy their pets from retail pet stores. Since there are so many animals being housed at retail pet stores, many welfare

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<sup>9</sup> PATRONEK, Gary J.: The Problem of Animal Hoarding, Municipal Lawyer, 1, 2001,

<sup>10</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 301.

<sup>11</sup> HAYES, Victoria: Animal Hoarding, 2009, Available

at:<http://www.animallaw.info/topics/tabbed%20topic%20page/spushoarding.htm> (14 January 2014)

<sup>12</sup> New York Agriculture and Markets Law § 355

<sup>13</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 301.

issues arise, including the availability of veterinary care, food and water, proper housing, and proper sanitation. After a pet store is up and running, many welfare issues exist, including the feeding and watering of animals, available veterinary care for sick animals, whether the provided housing accommodates space and safety needs, and whether animal cages are cleaned on a regular basis. Unfortunately, not all states have very good laws regulating the welfare of animals sold in pet stores.<sup>14</sup>

Some states have special anti-cruelty laws for pet shops, where animals are sometimes treated as just more merchandise. California, for example, requires pet shops to provide animals with sanitary conditions, adequate space, heating, ventilation, and humane care. Violators are punished by a fine of up to \$ 1,000, 90 days in jail, or both.<sup>15</sup>

"Puppy mills", that is, large-scale dog breeding operations that churn out puppies for pet shops across the country, may also be found in violation of local or state anti-cruelty laws or federal laws regulating interstate transport of animals. For example, in 1991 the owner of a Nevada puppy mill were convicted of animal abuse and cruelty (misdemeanour under Nevada law) and sentenced to 150 days in county jail. Neighbours had found 66 dogs, many of them pregnant, huddled in outdoor cages in subzero temperatures; 30 dogs were already dead. One of the owners claimed he had tried to reach the animals but turned back because of snow and severe weather.<sup>16</sup>

It is clear that there are many gaps in the protection of animals living in retail pet stores. If consumers are truly concerned about the welfare of animals in the current retail system, they must demand either a cease in the sale of pets at retail stores or a boycott in those stores that exhibit cruel and unhealthy practices. Further, inhumane conditions in pet stores will never be addressed unless concerned costumers are willing to report such conditions to local animal control officers. The bottom line is that animals are seen as commodities in the retail pet industry. When profits are at stake, it will always be hard to assure animals are given the care they deserve.<sup>17</sup>

## SCIENTIFIC RESEARCH

One controversial question about anti-cruelty laws is whether or not they apply to scientific experiments on animals. Only a few states (Kansas and Texas, for example) actually exempt scientific research specifically. The New York law exempts experiments in labs that have been approved by the state commissioner; Vermont exempts research conducted by competent researchers "in a human manner" with a minimum of suffering. In most states, however, scientists are not prosecuted because statutes prohibit only "needless pain and suffering" and pain inflicted in the name of science is not considered "needless".<sup>18</sup>

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<sup>14</sup> DUNCAN, Ashley: Laws Affecting Retail Pet Stores, 2006, Available at: <http://animallaw.info/topics/tabbed%20topic%20page/spusretailpet.htm> (14 January 2014)

<sup>15</sup> California Penal Code § 597L.

<sup>16</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 303.

<sup>17</sup> DUNCAN, Ashley: Laws Affecting Retail Pet Stores, 2006, Available at: <http://animallaw.info/topics/tabbed%20topic%20page/spusretailpet.htm> (14 January 2014)

<sup>18</sup> RANDOLPH, Mary: Every Dogs Legal Guide, Nolo, California, 2007, 306.

According to Peter Singer people sometime think that all this experimentation is for vital medical purposes, and so will reduce suffering overall. This comfortable belief is very wide of the mark. One common test carried out by cosmetic companies on many substances that plan to put into their products. It is called Draize Test. This test cause pain and blindness of a lot of rabbits all over the world. Other commercial tests include the LD 50 - the "LD" stands for "Lethal Dose" and the "50" refers to the percentage of animals for which the dose is to be made lethal.<sup>19</sup>

In the United States regulations and laws control the marketing of many commercial products, including drugs, cosmetics, pesticides, and food additives which could potentially be hazardous or pose a danger to human health or the environment. A number of these commercial products are tested on animals. Commercial product are tested on animals to ensure product safety for consumers. According to the federal Animal Welfare Act (AWA), animals that are used in testing are owed proper housing, treatment, veterinary care, food and water. However a vast majority of animals used in research are excluded from the protections provided for in the AWA. Moreover, an exception to the protections of the AWA exists when a researcher determines it is not scientifically necessary or would negatively affect the results of testing. As such, many of the laws and regulations that exists, including the AWA and many state anti-cruelty laws, are oftentimes ineffective.<sup>20</sup>

Within education and training biology, medicine and veterinary medicine, animals often play a central role in laboratory practical classes. Animals suffer harm in various forms during capture, breeding and incarceration, and suffer pain and injury during experiments. These are sometimes conducted without anaesthetic, and with lasting negative impact on the individual animal, if he or she survives. Killing is obviously also a serious form of harm, because the most significant that each individual animal has - his or her life - denied.<sup>21</sup>

## SUMMARY

As we could see in this paper even in the United States - where animal protection is well-developed - is a lot of forms of animal cruelty. Annually millions of animal suffer for different human activities. Hopefully, in the future better legal regulations and animal protection movements - such as Animal Liberation Movement - together will optimize the state of animals.

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<sup>19</sup> SINGER, Peter: *The Animal Liberation Movement: Its Philosophy, Its Achievements, and Its Future*, In: *Animal Liberation Movement*, Russel Press, Nottingham, 1985, 7.

<sup>20</sup> GALANES, Katie C.: *Animal Testing in Commercial Products*, 2010, Available at: <http://animallaw.info/topics/tabbed%20topic%20page/spusanimaltesting.htm> (14 January 2014)

<sup>21</sup> JUKES, Nick: *Alternatives to Animal Experiments in the Life Science*, In: *Encyclopedia of Animal Rights and Animal Welfare*, (edited: BEKOFF, Marc) Greenwood Press, California, 2010, 10.

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